

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Richard Alan Barraclough

Filed: Dec. 27, 2001

Serial Number: 10/034467

Title: Wizard Builder For Application Software

Examiner: Sajeda Muhebbullah

Group Art Unit: 2174

Declaration Under Rule 131

State of Wisconsin

County of Waukesha

I, John Peter Gerry, do hereby declare and say the following.


My address is ExperTune Inc., Lake Country Research Center, 1020 James Drive, Suite A, Hartland, WI 53029.

I am the owner of ExperTune, Inc. Richard Alan Barraclough worked for my company in developing the invention for which the above patent application was filed. The patent application is now assigned to ExperTune, Inc.

Attached to this Declaration is a true copy of an email, from the records of ExperTune, Inc., which Richard Alan Barraclough sent to me on November 15, 2000 showing that the

invention of the above application was completed by him, by both conception and reduction to practice, by building and testing, in the United Kingdom at least as early as November 15, 2000. The last line of the email which reads "Now on to something else – at last!" indicates the completion of the invention. The records of ExperTune, Inc. indicate that a project bonus was paid to Richard Alan Barraclough on December 28, 2000 for the completion of this work.

I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief, are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patents issuing therefrom.

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John Peter Gerry, Owner of ExperTune, Inc., Assignee

28 January, 2005

(date)

YAHOO! MAIL

Subject: Wizard Invention

Date: Fri, 14 Jan 2005 14:56:21 -0600

From: "John Gerry" <John@expertune.com>

To: "Henry Smith" <hlsmithlaw@yahoo.com>

-----Original Message-----

From: Richard Barraclough [mailto:richard@expertune.com]

Sent: Wednesday, November 15, 2000 2:27 PM ←

To: john.gerry@expertune.com

Subject: wizards latest

John,

I've now finished all the wizard help screens. All the help files and VB source is checked in. I've started a new SourceSafe section that will hold wizard files. In one of the help files I've said that the wizards are available on the web at www.expertune.com/wizards. Also I've asked people to email us their wizard files. What email address should we use?

Now on to something else - at last! ←

Richard